

**CITY COUNCIL MEETING
CITY OF WATERTOWN
May 16, 2011
7:00 P.M.**

MAYOR JEFFREY E. GRAHAM PRESIDING

PRESENT: **COUNCIL MEMBER ROXANNE M. BURNS
COUNCIL MEMBER JOSEPH M. BUTLER JR.
COUNCIL MEMBER TERESA R. MACALUSO
COUNCIL MEMBER JEFFREY M. SMITH
MAYOR GRAHAM**

ALSO PRESENT: **MARY M. CORRIVEAU, CITY MANAGER
CITY ATTORNEY ROBERT J. SLYE**

City Staff Present: Gary Pilon, Ken Mix, Chief Goss, Elliot Nelson, Jim Mills

The City Manager presented the following reports to Council:

- 1 - Approving “Making Your Community Livable: A Conversation for the Future” on May 25, 2011 As Valid Training for Meeting the New York State Municipal Planning and Zoning Officials’ Training Requirement
- 2 - Appointment to the Transportation Commission – Sam Purington
- 3 - Approving Amendment No. 1, Geothermal Professional Services Agreement, Sack & Associates
- 4 - Amending Chapter 310, Zoning of the Code of the City of Watertown to Implement the Local Waterfront Revitalization Program
- 5 - Approving the Zone Change Request Submitted by Dale Blanding to Change the Approved Zoning Classification of 214 Moulton Street, Parcel Number 3-01-120.001 from Light Industry to Residence C
- 6 - Approving the Zone Change Request Submitted by Patrick J. Scordo, changing the approved zoning classification of a 13.618 acre portion of Parcel 13-23-101 from Residence A to Commercial, and a 2.485 acre non-zoned portion of Parcel 13-23-102.1 to Commercial
- 7 - 7:30 p.m. 2011-12 Operating Budgets
- 8 - 7:30 p.m. 2011-12 through 2015-16 Capital Budget
- 9 - Samaritan Senior Village, Water Service
- 10 - Draft Lease Agreement Watertown Sports Ventures
- 11 - Quarterly Financial Report
- 12 - City Manager’s Update – May 2011
- 13 - May 5, 2011 Letter from Raymonda Deskowitz

COMPLETE REPORTS ON FILE IN THE OFFICE OF THE CITY CLERK

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of May 2, 2011 and the budget sessions of May 10, 2011 and May 11, 2011, was dispensed and accepted as written by motion of Council Member Smith, seconded by Council Member Butler and carried with all voting in favor thereof.

COMMUNICATIONS

From Raymonda Deshowitz, 1214 Bronson Street, requesting a waiver for margin parking.

ABOVE PLACED ON FILE

Petition for assessment review was received from Erie Boulevard Hydropower, L.P.

ABOVE PLACED ON FILE

Claim against the City was received from Geico as subrogee for Michelle O'Brien who struck a manhole cover on LeRay Street.

REFERRED TO THE BOARD OF AUDIT

Mayor Graham proclaimed the week of May 22-28, 2011 as Poppy Week in the City of Watertown. Alexis Sykes, Poppy Queen, presented Council Members with poppies. Marsha Coppola and Nicholas Luciana were also present on behalf of VFW Post 1400.

Mayor Graham proclaimed the week of May 15- 21, 2011 as National Police Officer Week in the City of Watertown. Chief Goss accepted the proclamation on behalf of the department.

PRIVILEGE OF THE FLOOR

Richard Brooks, VP of The Long Term Care Center of SMC, addressed the chair asking that the discussion for the SMC water request be deferred until the staff portion of the meeting.

Mayor Graham responded that it will be done during that portion of the meeting as outlined on the agenda.

Dale Stehlin, Pratt Street, addressed the chair thanking Council and Mayor Graham for getting answers to his questions. However, he stated that he wanted time to look into the answers further and would have further questions. He stated that he believes the real cost of putting the rest room up with local labor and local materials would have been around \$56,000.

PUBLIC HEARING

AT 7:30 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING REGARDING THE 2011-12 OPERATING BUDGET.

MAYOR GRAHAM DECLARED THE HEARING OPEN.

No one spoke.

MAYOR GRAHAM DECLARED THE HEARING CLOSED.

AT 7:30 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING REGARDING THE 2011-12 THROUGH 2015-16 CAPITAL BUDGETS.

MAYOR GRAHAM DECLARED THE HEARING OPEN.

Venkat Chebolu, 325 Thompson Blvd., addressed the chair reading from a prepared statement. He stated that he believes that curbing the section of Thompson Blvd between Franklin and Gotham Streets would not be a good idea. He referred to an article in today's paper and remarked that this section of Thompson Blvd is narrower than the section between Gotham and Washington Street. Therefore, curbing would cause the 300 block to become a single lane street for traffic in both directions. He suggested that instead, he would like to request the City to pave these margins and mark the street with yellow and white lines for the common good of all City residents and visitors.

Patricia Schreck, 301 Thompson Blvd, addressed the chair also referring to the news article and explained that in 2000 the street was supposed to be paved at a cost of \$27,000. However, that didn't happen. In 2003, Ms. Schreck addressed her concerns about the drainage problems to Mayor Butler. He wrote back telling her that those problems had to be addressed. However, at that time there was no city engineer on staff. She explained that the drainage problems continue to exist. She stated that the crown of the road is higher than the sidewalk. Ms. Schreck commented that while she would love curbing as it would help the drainage problem and would stop cars from ending up on her lawn, the fact remains that the City Engineer should take a look at all of the issues before making any final decision.

Doreen Dority, N. Hamilton Street, addressed the chair stating that her street needs paving and curbing.

Mrs. Corriveau advised that it had been decided that N. Hamilton will have curbing from Huntington to State.

MAYOR GRAHAM DECLARED THE HEARING CLOSED AT 7:38 P.M.

RESOLUTIONS

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS Chapter 662 of the New York State Laws of 2006, which took effect on January 1, 2007, requires all municipal planning and zoning officials to have four hours of training per year, and

WHEREAS the training must be approved by City Council before it can be it can be used to meet the training requirement, and

WHEREAS the Fort Drum Regional Liaison Organization, Jefferson County Department of Planning, NYS Tug Hill Commission and the Center for Community Studies at Jefferson Community College are co-sponsoring a work shop entitled “Making Your Community Livable: A Conversation for the Future” for local planning officials on May 25, 2011 at Jefferson Community College,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York, that the “Making Your Community Livable: A Conversation for the Future” workshop is approved to provide two hours of training toward meeting the New York State municipal planning and zoning officials’ training requirement.

SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

RESOLVED that the following individual is appointed to the Transportation Commission for a three-year term, such term expiring on April 1, 2014:

Sam Purington
42 North Main Street
Carthage, NY 13619

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER TERESA R. MACALUSO

WHEREAS on June 7, 2010 the City Council passed a resolution adopting the Budget for Fiscal Year 2010-11, of which \$305,825 was appropriated for the Tourism Fund and \$6,445,520 for the Capital Fund Budget, and

WHEREAS on April 4, 2010 City Council passed a resolution re-adopting the Tourism Fund Budget for Fiscal Year 2010-11 in the amount of \$310,825 and

WHEREAS on May 16, 2010 City Council approved a contract with Bernier and Carr Associates for the design of the Aviary building in the amount of \$42,000,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that it hereby re-adopts the Capital Fund Budget for Fiscal Year 2010-11 in the total amount of \$6,497,520 an

BE IT FURTHER RESOLVED by the City Council of the City of Watertown, New York that it hereby re-adopts the Tourism Fund Budget for Fiscal Year 2010-11 to the total amount of \$352,825 and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown that the following adjustments be included in the re-adopted Tourism Fund Budget.

Revenues

Appropriated Fund Balance	<u>\$ 42,000</u>
Total	<u>\$ 42,000</u>

Expenditures

CT 9950.0900 Transfer to Capital Fund	<u>\$ 42,000</u>
Total	<u>\$ 42,000</u>

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCIL MEMBER BURNS AND MAYOR GRAHAM VOTING NAY

ORDINANCES

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

BE IT ORDAINED where certain amendments to the Zoning Ordinance are required to implement the City of Watertown's Local Waterfront Revitalization Program, and

WHEREAS the Planning Board of the City of Watertown considered the proposed amendments at its May 3, 2011 meeting and recommended that the City Council approve the amendments, and

WHEREAS the Jefferson County Planning Board reviewed the proposed amendments pursuant to General Municipal Law Section 239-m, and

WHEREAS a public hearing was held on the proposed amendments on June 6, 2011, after due public notice, and

WHEREAS the City Council has made a Negative Declaration concerning the environmental impacts of the proposed amendments according to the requirements of SEQRA,

NOW THEREFORE BE IT ORDAINED that Section 310-1 of the Code of the City of Watertown is hereby amended by adding the following definitions:

COMMERCIAL PARKING – Facilities that provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Commercial Parking facility.

OFFICES – Activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services. Examples include professional services such as lawyers, accountants, engineers, or architects; financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; data processing; sales offices; government and public utility offices; TV and radio studios; medical and dental clinics; and medical and dental labs.

ORDINARY HIGH WATER MARK – The highest level reached by a body of water that has been maintained for a sufficient period of time to leave evidence on the landscape.

PARKS AND OPEN AREAS – Uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures. Examples include parks, golf courses, cemeteries, public squares, plazas, recreational trails, botanical gardens, zoos, athletic fields, boat launching areas, and nature preserves.

RELIGIOUS ASSEMBLY - Uses intended to primarily provide meeting areas for religious activities. Examples include churches, temples, synagogues, and mosques.

RETAIL SALES AND SERVICE – Uses involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods. These uses can be entertainment-oriented, personal service-oriented, repair-oriented or sales-oriented.

ENTERTAINMENT-ORIENTED RETAIL – A sub-category of Retail Sales and Service. Examples of uses include restaurants, cafes, delicatessens, taverns, and bars; indoor or outdoor continuous entertainment activities such as bowling alleys, ice rinks, and game arcades; pool halls; theaters, health clubs, gyms,

membership clubs, and lodges; hotels, motels, and other temporary lodging with an average length of stay of less than 30 days.

PERSONAL SERVICE-ORIENTED RETAIL – A sub-category of Retail Sales and Service. Examples include branch banks; urgent medical care; laundromats; photographic studios; photocopy and blueprint services; hair, tanning, tattooing, body piercing and personal care services; tax preparers, accountants, real estate, legal, financial services; business, martial arts, and other trade schools; dance or music classes; and animal grooming.

REPAIR-ORIENTED RETAIL - A sub-category of Retail Sales and Service. Examples include repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; photo or laundry drop off; quick printing; tailor; locksmith; and upholsterer.

SALES-ORIENTED RETAIL – A sub-category of Retail Sales and Service. Examples include stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery, and videos; food sales, and sales or leasing of consumer vehicles.

RIVER SETBACK –The minimum distance allowed between a building, structure, or parking area and the top-of-bank of a river or stream.

TOP-OF-BANK – The point of inflection on the river bank where the trend of the land slope changes by 10 percent to begin its descent to the ordinary high water mark of the river. If there is no major change within a distance of 50 ft from the ordinary high water mark, then the top of bank will be the elevation 2 ft above the ordinary high water level.

WATER-DEPENDENT USE – An activity that can only be conducted on, in, over or adjacent to a water body because such activity requires direct access to that water body, and which involves, as an integral part of such activity, the use of the water.

WATER-ENHANCED USE – An activity that does not require a location adjacent to or over coastal waters, but whose location on land adjacent to the shore adds to the public use and enjoyment of the water's edge. Water-enhanced uses are primarily residential, recreational, cultural, retail, or entertainment uses.

and

BE IT FURTHER ORDAINED that Section 310-2 A is amended to read as follows:

A. For the purpose of this chapter, the City of Watertown is divided into the following types of districts:

Residence A Districts -----	RA
Residence B Districts -----	RB
Residence C Districts -----	RC
Limited Business Districts -----	LB
Neighborhood Business Districts -----	NB
Commercial Districts -----	CD
Downtown Core Overlay District-----	DC
Downtown District -----	DT
Health Services Districts -----	HS
Light Industrial Districts -----	LI
Heavy Industrial Districts -----	HI
Riverfront Development Overlay District -----	RD
Open Space and Recreation District -----	OS
Waterfront District -----	WD
Planned Development Districts -----	PD

and

BE IT FURTHER ORDAINED that Section 310-9.1 is added to read as follows:

§ 310-9.1. Downtown District

A. Purpose. The purpose and intent of this district is to regulate development in such a way that the compact pedestrian-oriented quality of the downtown area is maintained. This is primarily a commercially oriented district with a significant amount of upper floor housing where the synergy between the uses is intended to revitalize the activity in the area.

B. Permitted principal uses. In Downtown Districts no building or structure shall be erected, altered or extended, and no land, building, structure or part thereof shall be used for other than one or more of the following uses:

- (1) Multifamily Dwelling, except on any street level floor
- (2) Office
- (3) Retail Sales and Service
- (4) Religious Assembly
- (5) Parks and Open Areas
- (6) Commercial Parking

and

BE IT FURTHER ORDAINED that Section 310-11.1 is amended to read as follows:

§ 310-11.1. Open Space and Recreation District

A. Purpose. The purpose and intent of this district is to provide a suitable classification for sites designated for park, open space and/or recreational use.

B. Permitted principal uses. In Open Space and Recreation Districts no building or structure shall be erected, altered or extended, and no land, building, structure or part thereof shall be used for other than one or more of the following uses:

- (1) Parks and Open Areas

And

BE IT FURTHER ORDAINED that Section 310-11.2 is added to read as follows:

§ 310-11.2. Waterfront District

A. Purpose. The purpose and intent of this district is to allow the Black River to be used as an economic development catalyst while protecting its environmental characteristics. Priority is given to water dependent uses and then water enhanced uses. Providing public access to the river is an important policy that is promoted through these regulations.

B. Permitted principal uses. In Waterfront Districts no building or structure shall be erected, altered or extended, and no land, building, structure or part thereof shall be used for other than one or more of the following uses:

- (1) Water-Dependent Use

(2) Water-Enhanced Use

Water - enhanced uses shall not be allowed on or over surface waters unless the proposed use meets all of the following criteria:

- (a) The proposed use will not be sited so as to encroach upon water uses such as navigational channels.
- (b) The proposed use will not be sited so as to degrade or diminish natural resources.
- (c) The proposed use will not be sited so as to degrade or diminish significant scenic views.
- (d) The proposed use will not be sited so as to degrade or diminish the reasonable exercise of riparian rights by waterfront owners.
- (e) The proposed use will not create conflicts between potential water-dependent uses.
- (f) The proposed use shall provide meaningful public access.

(2) Parks and Open Areas

and

BE IT FURTHER ORDAINED that Section 310-13 is amended to read as follows:

§ 310-13. Minimum Lot Sizes.

Every parcel of land shall meet the following minimum sizes for the district it is located in:

District	Lot Size	Lot Size/ Household	Lot Width
Residence A	7,500 sq. ft.	7,500 sq. ft.	75 ft.
Residence B	6,000 sq. ft.	3,000 sq. ft.	60 ft.
Residence C	5,000 sq. ft.	2,500 sq. ft.	50 ft.
Limited Business		1,000 sq. ft.	
Neighborhood Business		1,000 sq. ft.	
Commercial		1,000 sq. ft.	
Downtown		250 sq. ft.	

Health Services	2,500 sq. ft.
Light Industrial	N.A.
Heavy Industrial	N.A.
Open Space and Recreation	N.A.
Waterfront	500 sq. ft.

,and

BE IT FURTHER ORDAINED that Section 310-15 is amended to read as follows:

§ 310-15. Lot coverage.

The total area of each parcel covered by buildings shall not exceed the following percentages:

District	Maximum Lot Area Covered by Buildings
Residence A	30%
Residence B	35%
Residence C	40%
Neighborhood Business	40%
Downtown	100%
Open Space and Recreation	10%
Waterfront	30%

,and

BE IT FURTHER ORDAINED that Section 310-16 is amended to read as follows:

§ 310-16. Minimum Setbacks.

Every building shall be setback from property lines according to the minimum distances listed below:

District	Front Yard	Side Yard	Rear Yard
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Residence A	20'	5'	25'
Residence B	20'	5'	25'
Residence C	20'	5'	25'
Limited Business	20'	5'	25'
Neighborhood Business	20'	5'	25'
Commercial	20'	5'	25'
Downtown	0'	0'	0'
Health Services	20'	5'	25'
Light Industrial	0'	0'	0'
Heavy Industrial	0'	0'	0'
Open Space and Recreation	50'	50'	50'
Waterfront	20'	5'	50'*

* Except as allowed by §310-21.1.

,and

BE IT FURTHER ORDAINED that Section 310-19 is deleted, and

BE IT FURTHER ORDAINED that Section 310-21 is deleted, and

BE IT FURTHER ORDAINED that Section 310-21.1 is amended to read as follows:

§ 310-21.1. River setback.

- A. No building, structure or parking area shall be constructed within 50 feet of the top-of-bank of any river or stream, except for structures built for water-dependent uses or that are designed and built specifically for the purpose of providing pedestrian access and travel along the bank, for improving the safety of such access and travel, or for facilitating boat access to the river without disturbing pedestrian access.
- B. The setback from the top-of-bank may be reduced to 30 feet if public access to the river or stream bank, which has the potential for connecting with a continuous pedestrian trail along

the river or stream, is provided through a permanent easement. A licensed engineer must certify that the soils within the reduced setback area are stable and suitable for development.

,and

BE IT FURTHER ORDAINED that Section 310-44 is amended to read as follows:

§ 310-44. Parking facilities or vehicle storage required.

- A. Except as provided in Subsections B and C of this section, for every building or structure hereafter erected or addition to a structure or building hereafter made, to be used for any of the purposes hereinafter set forth, there shall be provided parking facilities or vehicle storage as set forth in § § 310-45 through 310-51.
- B. Off-street parking shall not be required for any use within the Downtown Core Overlay District and Downtown District.
- C. Because the property within Riverfront Development Overlay Districts and Waterfront Districts is valuable for recreational purposes and there exists little space for off-street parking, off-street parking is not required in this district for buildings within 300 feet of a public parking lot. The distance is to be measured in a straight line from the nearest edge of the parking lot to the nearest edge of the building.

D.
,and

BE IT FURTHER ORDAINED that Section 310-52.2 G (1) (a) is amended to read as follows:

- (a) A parcel is allowed a total sign surface area not to exceed two (2) square feet for each linear foot of building frontage. The total sign surface area may be allocated to the occupants of the parcel in any manner, except in no case shall the allocation per occupant exceed the maximum sign surface area listed in the following table:

District	Occupant Max. Sign Surface Area
Res. A, B, & C	4 sq. ft.
Limited Business	35 sq. ft.
Neighborhood Business	75 sq. ft.
Downtown Core Overlay	100 sq. ft.
Commercial	200 sq. ft.

Downtown	100 sq. ft.
Health Services	200 sq. ft.
Light & Heavy Industrial	200 sq. ft.
Open Space & Recreation	200 sq. ft.
Waterfront	100 sq. ft.

,and

BE IT FURTHER ORDAINED that Section 310-52.2 G (1) (g) is amended to read as follows:

- (g) Commerce Centers shall be allowed additional sign surface area to identify the center, up to the maximum per parcel for each district in the chart below:

District	Commerce Center ID Max. Sign Area
Limited Business	10 sq. ft.
Neighborhood Business	15 sq. ft.
Downtown Core Overlay	20 sq. ft.
Commercial	100 sq. ft.
Downtown District	20 sq. ft.
Light & Heavy Industrial	100 sq. ft.

,and

BE IT FURTHER ORDAINED that this Amendment to the City Code shall take effect as soon as it is published once in the official newspaper of the City of Watertown, New York or printed as the City Manager directs.

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR.

MOTION WAS MADE BY COUNCIL MEMBER SMITH TO SCHEDULE A PUBLIC HEARING ON THE FOREGOING ORDINANCE FOR MONDAY, JUNE 6, 2011 AT

7:30 P.M. MOTION SECONDED BY COUNCIL MEMBER BUTLER AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

BE IT ORDAINED where Dale Blanding, has made application by petition filed with the City Clerk, pursuant to Section 83 of the New York General City Law to change the approved zoning classification of Parcel Number 3-01-120.001 located at 214 Moulton Street from Light Industry to Residence C, and

WHEREAS the Planning Board of the City of Watertown considered the zone change request at its meeting held on May 3, 2011, and adopted a motion recommending that the City Council approve the zone change as requested, and

WHEREAS the City Council deems it in the best interest of the citizens of the City of Watertown to approve the requested zone change, and

WHEREAS a public hearing was held on the proposed zone change on June 6, 2011, after due public notice, and

WHEREAS the City Council has made a declaration of Negative Findings of the impacts of the proposed zone change according to the requirements of SEQRA,

NOW THEREFORE BE IT ORDAINED that the zoning classification shall be changed for Parcel Number 3-01-120.001 located at 214 Moulton Street, from Light Industry to Residence C, and

BE IT FURTHER ORDAINED that the Zoning Map of the City of Watertown shall be amended to reflect the zone change, and

BE IT FURTHER ORDAINED this amendment to the Zoning Ordinance of the City of Watertown shall take effect as soon as it is published once in the official newspaper of the City of Watertown, or printed as the City Manager directs.

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR.

MOTION WAS MADE BY COUNCIL MEMBER SMITH TO SCHEDULE A PUBLIC HEARING ON THE FOREGOING ORDINANCE FOR MONDAY, JUNE 6, 2011 AT 7:30 P.M. MOTION SECONDED BY COUNCIL MEMBER BUTLER AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

BE IT ORDAINED where Patrick J. Scordo of GYMO, P.C., has made application by petition filed with the City Clerk, pursuant to Section 83 of the New York General City Law to change the approved zoning classification of a 13.618 acre portion of Parcel 13-23-101 from Residence A to Commercial, and a 2.485 acre non-zoned portion of Parcel 13-23-102.1 to Commercial, and

WHEREAS the portion of Parcel 13-23-101 subject to this request is shown as “Parcel 1” in the Final Plat Subdivision submitted by Gregory F. Ashley of GYMO, P.C. to the City of Watertown on May 10, 2011, and

WHEREAS that Final Plat Subdivision map is filed in the Engineering Department as “Subdivision M-01-11”, and

WHEREAS the Planning Board of the City of Watertown considered the zone change request at its meeting held on May 3, 2011, and adopted a motion recommending that the City Council approve the zone change as requested, and

WHEREAS the City Council deems it in the best interest of the citizens of the City of Watertown to approve the requested zone change, and

WHEREAS a public hearing was held on the proposed zone change on June 6, 2011, after due public notice, and

WHEREAS the City Council has made a declaration of Negative Findings of the impacts of the proposed zone change according to the requirements of SEQRA,

NOW THEREFORE BE IT ORDAINED that the zoning classification shall be changed for a 13.618 acre portion of Parcel Number 13-23-101 located on the 1500 block of Washington Street, as described above, from Residence A to Commercial, and

BE IT FURTHER ORDAINED that the zoning classification shall be changed for the non-zoned 2.485 acre portion of Parcel Number 13-23-102.1, located on the 1500 block of Washington Street, to Commercial, and

BE IT FURTHER ORDAINED that the Zoning Map of the City of Watertown shall be amended to reflect the zone change, and

BE IT FURTHER ORDAINED this amendment to the Zoning Ordinance of the City of Watertown shall take effect as soon as it is published once in the official newspaper of the City of Watertown, or printed as the City Manager directs.

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH

MOTION WAS MADE BY COUNCIL MEMBER BURNS TO SCHEDULE A PUBLIC HEARING ON THE FOREGOING ORDINANCE FOR MONDAY, JUNE 6, 2011 AT

**7:30 P.M. MOTION SECONDED BY COUNCIL MEMBER SMITH AND CARRIED
WITH ALL VOTING IN FAVOR THEREOF.**

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COUNCIL DISCUSSED THE FOLLOWING TOPICS:

Waiver Request for Raymonda Deskowitz – 1214 Bronson Street

Council Member Butler remarked that he didn't have a problem granting a waiver where it is beneficial. However, as people hear about them, they come forward. He suggested looking at all the streets and looking at all these situations.

Mayor Graham commented that sometimes one has to make an exception and he has no problem granting the waiver to Mrs. Deskowitz.

Council Member Burns remarked that with supporting one individual parcel, everyone will want an exception. Thompson Blvd was unique because the City wasn't doing it for one individual parcel. It was unique in that the City had asked homeowners to pave the areas years ago. She also remarked that she couldn't imagine the Police Department memorizing the exceptions for individual parcels.

Council Member Macaluso commented that Mrs. Deskowitz already has it paved. She stated that this ordinance was to prevent people from parking on the grass.

Council Member Burns responded that the property owner wasn't supposed to have paved it in the first place. She stated that some people just paved the margins and went against City Code. She stated that by giving waivers, it would be rewarding them for doing something that shouldn't have been done in the first place.

Council Member Butler stated that he had received a phone call from a resident on Chestnut Street. There are no curbs there and the vehicles are parking on the margins due to the fact that the street is narrow. He stated that he feels that the Police Department will enforce the ordinance when they see egregious offenses.

Mayor Graham commented that a lot of the streets are not the same with defined curbs and grass strips. He also remarked that what made sense in 1880 doesn't any more. He stated that perhaps Mrs. Deskowitz shouldn't have paved the area, but it doesn't make her a bad person.

Mrs. Corriveau advised that Mrs. Deskowitz was in the audience this evening.

Mayor Graham asked that the ordinance for the waiver be drawn up for the next Council meeting.

Council Member Smith asked how these waivers would be monitored and asked if the waiver goes with the person or with the property if it is sold.

Council Member Macaluso commented that she thought the original intent of the ordinance was to protect the trees and if it is blacktopped, there are no trees.

Council Member Burns responded that the original purpose of the ordinance was not to save the trees, which was Tree Watertown's intent. She stated that she shares those concerns as well. However, to her the intent was to stop the degradation of neighborhoods where 4x4 vehicles are parked, not on the sidewalk, but right next to it on the grass margin. It makes for a dangerous situation for bicycles, tricycles and people walking their dogs. She stated that she has compassion for anyone with a disability. However, she also questioned if the exception would go with the person or the property and this would create an undue burden.

Samaritan Senior Village, Water Service

Town of Watertown Supervisor Joel Bartlett, SMC CEO Thomas Carman, Richard Brooks, SMC, GYMO representatives Patrick Scordo and Ryan Churchill and Rick Tague from Bernier Carr were present for this discussion.

Tom Carman thanked Council for looking at the request and urged Council to approve the recommendations that were put forth in the memo and report. He explained that SMC would have preferred to connect directly to the City's system. However, due to lack of pressure this can't be done. Therefore, SMC supports the recommendation prepared by GYMO in working with Mr. Pilon.

Ryan Churchill addressed the chair, stating that they had done due diligence in working with the City and with Mr. Pilon. The project will be a 79,000 sq. ft. senior living facility with 288 beds. He reviewed the time line stating that in February, a water feasibility study for SMC was prepared and given to City departments for their review. Meetings were held with Gary Pilon and Cody Salisbury at the end of the month. In late April, Mr. Pilon issued the staff report.

Mr. Churchill explained that there were 2 significant pumps in the area – one at the Dry Hill Correctional Facility and a Town of Watertown pump station. He advised that there are 5 pump stations in a centralized area and thus, potential for lower pressure. He stated that it had been preferred to connect with the City. However, modeling indicated that there was only 725 gallons a minute and the pressure was not sufficient. He also explained that the site on Washington Street is 60' above the street level. Elevations must be taken into consideration when looking at water.

Mr. Churchill reviewed the Town option which would be putting in a 288 foot 10" line to the SMC site from a connection into the main at Spring Valley Drive. This would allow for better pressure and flows. He stated that they think the Town option is more cost effective and technically superior. He stated that one scenario would be for SMC to buy water from the City at the inside City rate and then a possible markup for the wheeling fee through the Town. He also

remarked that the increase in the amount of water running through the line could potentially result in better water quality and potentially create future development. Mr. Churchill commented that this would be a benefit to the City because it wouldn't further stress the present line.

Council Member Butler thanked Mr. Churchill and commended him for the presentation. He asked if Mr. Churchill knew what the Town was going to charge.

Mr. Churchill stated that he didn't.

Council Member Butler asked how Mr. Churchill could favor one over the other, if he didn't know the costs.

Mr. Churchill stated that even taking the Town rate and doubling the City rate, it was better.

Council Member Butler asked if the rate was the same or more than what the residents are paying and asked if the rates were in the feasibility study.

Mr. Churchill stated that the figures are on page 4 of the study.

Page 4 was missing from the Council's copies.

Mr. Churchill advised that this was added and those sections will be sent to Council.

Mr. Pilon explained that they had done a condensed version of the study for Council.

Mr. Churchill advised that the rest of the report had never been sent to Mr. Pilon. That is why it is missing in Council's copies. The information will be supplied.

Mayor Graham commented that one issue deals with the technical end of it. He asked Supervisor Bartlett how he envisions this.

Mr. Bartlett stated that he is not going to make a recommendation this evening. He is merely in attendance to listen to the presentation. He stated that while he has no objection, they have some work to do if the Town option is utilized. He stated that the Town is not talking about putting in the pipe. SMC would and then would deed it to the Town. SMC would be responsible for costs that the Town would incur.

Mr. Churchill answered questions about the right of ways and the fact that Mr. Lundy owns the majority of that property.

Mayor Graham asked if it was a scenario to facilitate the development of Mr. Lundy's land.

Council Member Smith asked what the distance was from the pipe at Thompson Park.

Mr. Churchill stated that it was a mile away and goes across private properties and has more bedrock.

Council Member Smith asked if this would be an extension of the Town's district.

Mr. Bartlett stated that it would be. The extension would have to be done by local law.

Council Member Smith remarked that currently SMC wants the inside user rate. If this is an extension of the district, he asked Mr. Bartlett if the Town could treat people within the district differently.

Mr. Bartlett responded that people would be up in arms if that were to happen. The wheeling charge could equalize that. He stated that could be one scenario but stressed he was not saying that is the way to go.

Mayor Graham remarked that it has been the policy of Council to compress those inside tiers. He stated that he spoke with SMC about it and it didn't seem to matter.

Mr. Churchill commented that they are trying to get water to a site at the lowest costs possible. He stated that we are at the point that we can't add any more pumps.

Council Member Butler commented that SMC and GYMO knew going into the project that water wasn't going to be easy. He stated that his constituents are asking why SMC is being giving preferential treatment.

Mr. Churchill questioned if this was true. SMC is in the City and should get the City rate. Another precedent was set on Eastern Blvd. with the sewer system whereby an inside user wheels sewage through the Town and it comes back into the City at City rates.

Council Member Butler remarked these are two instances, but not common place.

Council Member Smith referred to the January 10th work session where he raised the question of water and sewer. The statement was made that there was plenty of water, but there were pressure problems. He asked if the sewer issues had been looked at.

Mr. Churchill advised that they will have coordination with the City Engineering Department on that. They were assured that the testing was going to be done. He stated that there was no sewer problem that he knew of.

Mr. Hauk explained that the City will do flow monitoring when the Greensview project is completed.

Council Member Burns asked Mr. Hauk if he was comfortable with the proposal in regards to sewage.

Mr. Hauk stated that he was.

Council Member Smith asked if the City could allow the Town to extend the district into the City.

Attorney Slye stated that he is not sure and that is why they are talking of wheeling.

Council Member Butler asked how long the water district had been in existence.

Mr. Bartlett stated that it was formed in 1996. He also advised that to utilize the system, users have to pay a portion of the debt service. Therefore, something would have to be worked out for SMC to pay debt service and future debt service. The amount would have to be negotiated.

Council Member Butler stated that while he is not totally against it, he is somewhat undecided but open minded and would like to see what cost factors were built into this over the next 20 years.

Mr. Churchill advised that they had carried it out 10- 15 years with the Town versus the City.

Council Member Butler remarked that the deal has to be negotiated with the Town first.

Mr. Carman advised that it needs to be a three way understanding with SMC, the Town and the City. He stated that SMC is a City resident that wants to develop in the City and keep the jobs in the City and thus, build in the City. He stated they have to ask the City if it will allow this to happen. He stated that they are trying to get away from putting up a 200,000 gallon concrete tank on Washington Street. He urged Council to support the recommendation and keep jobs here. He stated that if Council doesn't want that, SMC will look elsewhere.

Council Member Butler questioned if Mr. Carman said that if the City were not to support it, SMC would look elsewhere.

Mr. Carman stated that he didn't say that. But, they do have a time line.

Council Member Butler asked what that time line was.

Mr. Carman stated that they want to start the site work by June 22nd. He stated that the lease with Mercy was for 24 months and the HEAL grant money has to be spent within 24 months. The project needs to be completed by the fall of 2012.

Council Member Smith remarked that this project is in answer to the downfall of Mercy. This is trying to put a square peg in a round hole. He asked why the City wasn't in on the discussions with SMC and the County. He also commented that Mr. Pilon said that it was the worst place for the project. He stated that he is not against the project, however.

Mr. Carman responded that the City has a precedent set with the sewer district on Route 3. He remarked that the HEAL grant had to be on land that SMC controlled. Without the grant, the assisted living facility couldn't be built.

Council Member Burns asked if Mr. Pilon felt that the recommendation was a good scenario for everyone involved.

Mr. Pilon remarked that it is the most feasible solution for the problem if the Town and the Department of Health approve.

Council Member Burns reiterated her question as to the fact in his professional opinion, Mr. Pilon felt it was the best solution.

Mr. Pilon stated that it was.

Mayor Graham asked about the land purchased from the school being annexed into the City.

Mr. Carman explained that they intend to do that.

Mayor Graham stated that there are two sides. There is frustration but to take it out on other people isn't a good thing either. He stated that the problem doesn't matter to most people. He stated that it is not up to the City to punish someone. If this is the way SMC has to develop the site than he thinks that SMC should be a customer of the City. The meter could be at the City limit and that water would be sold to SMC. He stated that it is a costly scenario either way.

Council Member Smith remarked that SMC was also looking at putting the SMC plaza on the line and the City can't tap into a private line.

Mr. Pilon stated that it becomes a private service line when it hits the Town boundary.

Attorney Slye agreed stating that the City has to agree to sell water to SMC. SMC would have an agreement with the Town. He stated that it will not be a 3 party agreement. He stated he didn't see that as being necessary. The City can just simply sell the water to SMC. They are in the City and should get some City rate.

Council Member Burns remarked that she would rather have preferred not dealing with an empty Mercy. However, a lot of her constituents support a senior village and she will support this as well.

Council Member Macaluso commented that this is the 11th hour and we don't have a lot of options. She agreed with Council Member Burns and stated that she would support it.

Council Member Butler stated that while he feels the same way, we can't fault SMC as they were under time constraints and this is the right thing to do, overall.

Council Member Smith commented that it is unfortunate that the City got stuck with the Mercy problem. He stated that his concern is that SMC receives no special treatment and that we don't have to do anything and echoed Mr. Pilon's comments.

Thompson Boulevard

Council Member Smith remarked that some questions had been brought up this evening about the drainage issue. He stated that curbing was going to deal with the drainage issue but curbing would upset the neighbors so the street was put on hold.

Mrs. Corriveau explained that she had spoken with Mr. Hayes about where we go in the future. The issues on Thompson Blvd will not go away and need to be addressed. She asked Mr. Hayes to look into gutter curbs which are reverse curbs similar to those on Loomis Drive. She remarked that if the street is paved, it will be higher than the sidewalks.

Mr. Hauk advised that they would have to look at the topography and he can't say one way or the other at this time.

Council Member Macaluso asked about Mr. Trainor's project.

Mrs. Corriveau advised that the proposal was sent to ESD for review. They sent back some questions which were forwarded to Mr. Trainor. We are just waiting to hear back from him.

Council Member Butler asked what type of apartments they would be.

Mrs. Corriveau stated that they would be market rate apartments.

Way Finding Sign

Council Member Butler received a call concerning the sign on the corner of Thompson Blvd and Park Circle. The sign was supposed to have been moved.

Mrs. Corriveau stated that was correct and would check into it.

The following reports were either in the agenda packet or on the Council Members' desks this evening for their review:

Sales Tax Revenue – April 2011

Quarterly Financial Report

City Manager's Update

Roswell P. Flower Memorial Library Fountains

Thompson Park Conservancy Lease Agreement

DPW Administration of Parks and Recreation

Draft Lease Agreement Watertown Sports Ventures

Mayor Graham recused himself from the remainder of the meeting based on the recommendation of Attorney Slye due to the fact that Mayor Graham holds a liquor license and it could be seen as a conflict of interest for the upcoming discussion.

Mayor Graham left the meeting at 8:45 p.m.

Council Member Burns then presided over the meeting as Mayor Pro Tem.

Mayor Pro Tem Burns advised that Watertown Sports Ventures has had a lease agreement in the past involving having baseball at the field and the concession rights. Mr. Simmons is asking for a one year extension.

Council Member Macaluso asked Attorney Slye about the City's liability for events at the fairgrounds when people are drinking. She also asked if everyone who sells liquor has a license to do so.

Attorney Slye stated that the City is not liable. The City is granting a franchise to someone to sell alcohol on City property. The franchisee has commercial general liability coverage. Attorney Slye also stated that he takes the position that the City's responsibility ends at the granting of the franchise. He stated that it is not the City's responsibility to check and see about licenses. He stated that the City could require payment up front and not be concerned about a percentage amount. He stated that the City doesn't have to get into the business of checking liquor licenses when there is a rock concert either.

Mayor Pro Tem Burns asked about the City signing off.

Mrs. Corriveau stated that she signs off on them as the landlord.

Mayor Pro Tem Burns advised that she used to own a commercial building in which a business owner had an alcohol permit. As landlord, she had to sign off and had to do things specifically required of the landlord, by law.

Attorney Slye explained that liability attaches to the illegal sale of alcohol under the Dram Shop Act, not over who owns the property. He stated that by the City granting a franchise, it doesn't invoke Dram Shop liability.

Mayor Pro Tem Burns commented that she is not an expert on liquor licenses. However, it is important that the City does what we can to make sure the operation is performing in the most legal way it can.

Mrs. Corriveau remarked that when looking at these events, she always wants to know what the security plan is and who will be doing it. She looks at the size of the event and makes sure that the City is named as an added insured through the licensee's insurance policy.

Attorney Slye advised that there should be a clause in the franchise that if there is an illegal sale of alcohol, they will lose their franchise.

Mayor Pro Tem Burns advised that Mr. Simmons has agreed to give DPAO 50 % of the concession for the outdoor concerts held at the ball field.

Council Member Macaluso asked who the ABC board gives the license to.

Mrs. Corriveau advised that Jefferson County Agricultural Society has held the liquor license.

Referring to the draft agreement, Mayor Pro Tem Burns asked if Council wanted to change the wording under section f. If so, it would give the City the opportunity to grant it to whomever they chose.

Attorney Slye commented that it could also be bid out if Council wishes.

Mrs. Corriveau advised that the City would still require Watertown Sports Ventures to be open and serve food and non-alcoholic beverages.

Council Member Macaluso asked if anyone else had asked for the opportunity.

Mrs. Corriveau advised that only Joe Rich had.

Council Member Smith remarked that regardless, if someone gets hurt, they will sue everyone.

Attorney Slye commented that the general liability is covered on the commercial general liability insurance that the franchisee is required to have.

Council Member Macaluso asked if the City would be liable if someone was killed in an accident after attending a concert at the fairgrounds.

Attorney Slye responded that one could drive themselves crazy worrying about getting sued.

Mayor Pro Tem Burns remarked that she is assuming there is a general interest in continuing the lease.

Council Member Smith remarked that there are some options for discussion such as do we want a fixed amount or a percentage of the concession and under V5, do we want the ability to allow those renting the facility to have options for the concession.

Mayor Pro Tem Burns remarked that Council has to ensure what is the best for the City of Watertown. Council has to weigh what is the most beneficial be it a percentage or a flat fee. Also, the prior lease didn't have an audit clause or the ability to track concession sales.

Council Member Smith stated that we could have a fixed amount for one and a percentage for the events.

Council Member Macaluso stated that it should all be the same.

Council Member Butler commented that he would like to stay with the 10% this year as it is tough to come up with a fixed flat fee and it is too late to do all the logistics right now. He stated that they should stay with 10% for both and if they want to include Vf, he is ok with that.

Council Member Butler referred to paying up front for all games and thought that paying for all of them before the season starts is too stringent. He asked if Mr. Simmons would have an issue with full payment up front.

Mr. Simmons stated that he would pay 50% up front and half way through the season would pay the other 50%. He stated that it would be hard to pay \$3,000 up front before a game has even been played. Mr. Simmons then stated that he would pay 25% up front, before June 1st; 25% before July 1st and the remainder of 50% by August 1st, with a true up to be done August 31st.

Discussion was held concerning double headers. The draft proposal called for them to be charged at 1 and ½ games. Mr. Simmons stated that he would pay for them as 2 games instead of 1 and ½.

Mayor Pro Tem Burns asked if Mrs. Corriveau was comfortable with the staff following through if the concession was at 10%. She stated that given the current audit with Recreation we need to tighten up as many loose ends as we can and we need to take a more serious look at having a staff person and audit procedure in place.

Mrs. Corriveau explained that she had run the draft language by Mr. Mills and will need to talk with him some more and would also like to speak with Ms. Podvin.

Mayor Pro Tem Burns commented that she would assume that the sales tax needs to be paid and wondered if there was a mechanism to see what sales tax was paid. She also stated that invoices from beer distributors could be used.

Mrs. Corriveau explained that the sales tax numbers for July for the Ag Society would also include the County Fair, so the numbers would not be only for the concession.

Mayor Pro Tem Burns remarked that we need to figure out a way to overcome these hurdles.

Council Member Smith remarked that the simplest way would be to see the invoices, have the number of kegs and each keg yields a certain number of glasses.

Mayor Pro Tem Burns remarked that she won't be supporting continuing the lease. She stated that she would have preferred that Watertown Sports Ventures lease the fields and lease the concessions. However, she is not going to try to obstruct the games.

Council Member Butler stated that he supports the lease with some small changes. He stated that this can be better but we don't have the time right now. He suggested getting together this winter.

Council Member Smith stated that he supports it. He commented that, at least, this draft addresses some of the issues up front. The billing will be done through the Comptroller's Office and the City has dates of when we are going to get paid.

Council Member Macaluso commented that she agreed with Mayor Pro Tem Burns' comments on the lease for the concession and field. However, she would support it this year.

Attorney Slye asked if Vf is in or out.

Mayor Pro Tem Burns remarked that it is in.

Mrs. Corriveau remarked that it states that the City reserves the right; it doesn't mean we have to.

Council Member Butler remarked that we aren't going to disrupt the DPAO concert.

Mayor Pro Tem Burns spoke of the Council authorizing the City Manager to move into the lease agreement.

Mrs. Corriveau responded that she would like to look into making some minor modifications and she wants to speak with the auditor before Council votes on it.

Mayor Pro Tem Burns commented that the City reserves the right to review the books.

Mr. Simmons suggested that he would have the books available for Council's review on September 1st.

Mayor Pro Tem Burns proposed meeting next Monday evening to vote on the lease agreement.

Mr. Simmons explained that the beer permits have to be in 15 days prior and without a contract, he can't even order billboards or apply for beer permits.

Discussion was held as to whether it could be prepared for Tuesday night's meeting.

Mrs. Corriveau stated that it would be unrealistic for tomorrow night as she would need more time.

Council Member Butler suggested meeting Thursday night to accommodate Mr. Simmons.

Mayor Pro Tem Burns remarked that there is nothing to preclude him from playing the first game.

Mrs. Corriveau told Council that she would be able to give them a better answer at Tuesday's meeting as to when it would be ready.

ADJOURNMENT

**AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 9:40 PM
UNTIL TUESDAY, MAY 17, 2011 AT 6:00 PM BY MOTION OF COUNCIL MEMBER
BUTLER, SECONDED BY COUNCIL MEMBER MACALUSO AND CARRIED WITH
ALL VOTING IN FAVOR THEREOF.**

Donna M. Dutton
City Clerk